

IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF NEW MEXICO

CHARLES C. KRETEK, as
Personal Representative of
Christopher Aparicio, Deceased,

Plaintiff,

v.

Civ. No. 11-676 RB/GBW

BOARD OF COMMISSIONERS
OF LUNA COUNTY, NEW MEXICO;
Luna County Detention Center
Administrator, JOHN SUTHERLAND, JR., in his
Individual and official capacities; and JANE DOE(S)
and JOHN DOE(S),

Defendants.

ORDER

This matter comes before the Court on Plaintiff's Fifth Motion to Compel (*doc. 122*) and Defendants' Motion to Compel (*doc. 118*). The parties have fully briefed both motions (*see docs. 130, 134, 136, 141*) and the Court has held a hearing (*see doc. 150*).

Plaintiff's Fifth Motion to Compel

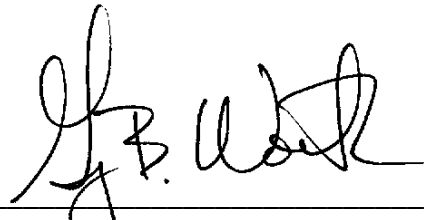
Plaintiff's Motion is granted in part and denied in part. Defendants are ordered to locate all relevant lap top hard drives and to conduct a word search on all folders and files on all relevant laptop hard drives using the key word "IA Report." Once all hard drives with these key words are located, the Defendants are ordered to identify these hard drives to Plaintiff and meet and confer with Plaintiff as to how the information

contained on these hard drives should be transmitted to Plaintiff.

Defendants' Motion to Compel

The Defendants' Motion will be denied as to both Defendants' request to admit certain Plaintiff's responses to Defendants' Requests for Admission Numbers 3, 4, and 9 and to strike Mr. Kretek's verification of discovery responses. The Court further orders that Mr. Kretek be subject to a second deposition, at which Mr. Kretek must be prepared to answer Defendants' inquiries. Plaintiff shall be responsible for all expenses related to this deposition. Based upon Plaintiff's agreement to the second deposition for Mr. Kretek, the Court denies as moot Defendants' request to compel Mr. Westerbrook's deposition.

IT IS SO ORDERED.

A handwritten signature in black ink, appearing to read 'G.B. Wormuth', is written over a horizontal line.

GREGORY B. WORMUTH
UNITED STATES MAGISTRATE JUDGE